IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 2399 OF 1994

Smt. Rajrani Babulal Sharma & Ors. ..Plaintiffs

Versus

Union of India ..Defendant

Mr. G.J.Mohan Rao with Ashok Verma for Plaintiffs.

None for Defendant.

CORAM: S.K.SHAH,J.

DATE : 19th October, 2006.

P.C.

1. This is an undefended suit.

2. The suit is filed by the legal representatives of the deceased Babulal Nathulal Sharma, who died in Bomb explosion on the premises of the Defendant. The plaintiff No.1 is widow, Plaintiff No.2 is the daughter and Plaintiff No.3 is the son. The Plaintiffs have filed affidavit of evidence in support of the claim. The documents consist of death certificate, Railway Pass of the deceased and these documents establish that the deceased had died in Bomb explosion in 1990 from the

Railway premiseds.

3. Under the circumstances, the Plaintiffs are entitled to claim compensation under the Indian Railways Act.

4. The claim of the Plaintiffs is for an amount of Rs.6,06,700/- with interest at 18% per annuum thereon. The particulars of claim are annexed at Exhibit "E" to the Plaint. For the loss of earnings, the Plaintiffs have claimed Rs.1500/- per month for 20 years. This is improper. At the time of death, the deceased was 50 years of age. Therefore, loss of earnings will be only for 10 years. Calculating loss of earning at the rate of Rs.1500/- per month for 10 years, the amount comes to Rs.1,80,000/-. The other claim is for Rs.30,000/- for 20 years which amount will be reduced to Rs.15,000/-, Medical expenses of Rs.500/- which can be granted, Funeral expenses of Rs.16,000/- also can be granted. The notice charges of Rs.200/- can be allowed. The claim of Rs.2,00,000/- based on compensation due to shock and sufferings to the Plaintiffs due to death, in my view, cannot be allowed. As such, the amount which can be awarded to the Plaintiffs will be Rs.2,11,700/-. Considering the sufferings the deceased had undergone, a total amount of Rs.2,50,000/- (Rupees Two lakhs fifty thousand only) will be sufficient to meet the ends of justice.

5. Hence, the following order :-

O R D E R

The Suit is, therefore, partly decreed. The Defendant shall pay to the Plaintiffs Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) with future interest thereon at the rate of 6% per annum from the date of the suit till realisation.

Decree be drawn accordingly.

Certified copy expedited.

(S.K.SHAH,J.)